

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOSEPH HURLEY, KAREN G.)	
WRIGHT, and STEPHEN WRIGHT,)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 05-826-SLR
)	
JOHN CORDREY,)	
)	
Defendant.)	

ORDER

At Wilmington this 12th day of April, 2007, having reviewed plaintiffs' motion for reconsideration (D.I. 15) and the papers submitted therewith;

IT IS ORDERED that said motion is granted, for the reasons that follow:

1. Upon reviewing the parties' submissions in this matter, which have not been a model of clarity, the court understands that plaintiffs are not mounting a facial challenge to the statutes at issue and, therefore, are conceding that the statutes are constitutional on their faces. (D.I. 15. at 5, 8, 9)

2. Instead, plaintiffs are alleging that the statutes in question are unconstitutional as applied and constitute de facto discrimination, an issue that was not addressed in the court's memorandum opinion or in defendant's original motion to dismiss.

3. Therefore, plaintiffs' motion for reconsideration is granted, and the court's memorandum opinion and order of dismissal (D.I. 13, 14) are vacated. The court will

conduct a telephonic status conference, to be initiated by plaintiffs' counsel, on
Tuesday, April 24, 2007, at 11:30 a.m.


United States District Judge